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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,461	03/07/2001	Lydia Breck	03292.101070	3738
66569 7590 07/26/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WINTER, JOHN M	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/800,461

Applicant(s)

BRECK ET AL.

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 22, 24, 25, 31-33 and 56-57 are drawn to secure transaction with authentication, classified in class 705 subclass 64.
  - II. Claims 36 is drawn to capturing financial information, classified in class 705 subclass 35.
  - III. Claims 38-45 are drawn to a secure transaction with authentication, classified in class 705 subclass 67.

Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed in invention I does not require the particulars of the subcombination as claimed in inventions II such as a user interface or as claimed in invention III such as authentication.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Examiner notes that it would be a burden to search multiple inventions given their separate status in the art as noted above.

The requirement is deemed proper and therefore made FINAL.

Via the paper filed on May 8, 2007 the applicant has elected the examination of invention

I directed towards claims 22, 24, 25, 31-33 and 56-57. Affirmation of this election must be made by applicant in replying to this Office action. Claims 36, 38-45 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 22, 24, 25, 31-33 and 56-57 are pending.

### ***Response to Arguments***

The Applicants arguments filed on May 8, 2007 have been fully considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 22, 24, 25, 31-32 and 56-57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 6,163,771) in view of Flitcroft et al. (US Patent Application Publication 2003/0028481) and further in view of Pitroda (US Patent Application Publication 2003/0115126)

As per claim 22,

Walker ('771) discloses a computer-implemented method for facilitating a transaction, comprising the steps of:

identifying, via a host computer, a primary account;(Column 6, lines 54-59)

generating, via the host computer, a secondary transaction number that is configured to facilitate a transaction;(Column 6, lines 29-38 [.. generates a single use credit card number])

associating, via the host computer, the secondary transaction number with the primary account;(Column 6, lines 46-49 [..maps the single use credit card number onto a conventional credit card account ])

issuing the secondary transaction number to a first party to facilitate the transaction with a second party, wherein the secondary transaction number is configured to be immediately usable for facilitating the transaction with the second party;(Column 6, lines 30-38 [.. generates a single use credit card number])

Walker ('771) does not explicitly disclose determining whether conditions-of-use parameters associated with the secondary transaction number are satisfied, the conditions-of-use parameters defining at least a predetermined restriction on use of the secondary transaction number;returning, via the host computer, an approval code to the second party, when the

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conditions-of-use parameters associated with the secondary transaction number are satisfied.

. Flitcroft et al (481) discloses determining whether conditions-of-use parameters associated with the secondary transaction number are satisfied, the conditions-of-use parameters defining at least a predetermined restriction on use of the secondary transaction number; returning, via the host computer, an approval code to the second party, when the conditions-of-use parameters associated with the secondary transaction number are satisfied. (Figure 3, 7 and 15). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al. method with the Flitcroft et al (481) method in order to promote secure online commerce.

Walker ('771) does not explicitly disclose receiving transaction information from the second party for authorization; forwarding, via the host computer, the transaction information to a card authorization system for authorization processing; processing the transaction information with the card authorization system, wherein the card authorization system determines whether the transaction information includes the secondary transaction number and, when the secondary transaction number is included in the transaction information, interfaces with a secondary transaction number system to determine whether authorization is appropriate, wherein authorization determination includes: retrieving account information associated with the secondary transaction number.

Pitroda ('526) discloses receiving transaction information from the second party for authorization; forwarding, via the host computer, the transaction information to a card authorization system for authorization processing; processing the transaction information with the card authorization system, wherein the card authorization system determines whether the

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transaction information includes the secondary transaction number and, when the secondary transaction number is included in the transaction information, interfaces with a secondary transaction number system to determine whether authorization is appropriate, wherein authorization determination includes: retrieving account information associated with the secondary transaction number. (Paragraph 98) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al. method with the Pitroda method in order to promote secure online commerce.

Claims 24, 31, 32, 56 and 57 are in parallel with claim 1 and are rejected for at least the same reasons.

#### ***Allowable Subject Matter***

Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Also in accordance with *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002), the Examiner finds that Nathan J. Muller's Desktop Encyclopedia of the Internet, ("Desktop Encyclopedia") is additional evidence of what is basic knowledge or common sense to one of ordinary skill in this art. Muller's Desktop Encyclopedia is a practical reference that clearly explains Internet services, applications, protocols, access methods, development tools, administration and management, standards, and regulations. Because of the reference's basic content (which is self-evident upon examination of the reference) and after further review of the entire record including the prior art now of record in conjunction with the factors as discussed in MPEP §2141.03 (where practical), the Examiner finds that the Desktop Encyclopedia is primarily directed towards those of low skill in this art. Because the reference is directed towards those of low skill in this art, the Examiner finds that one of ordinary skill in this art must—at the very least—be aware of and understand the knowledge and information contained within the Desktop Encyclopedia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter

Patent Examiner -- 3621



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